



RCE /26/02  
44

PATENT

ATTORNEY DOCKET NO. 041465-5061

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Tadashi NOGUCHI et al. )  
Application No.: 09/266,780 )  
Filed: March 12, 1999 )  
For: INFORMATION RECORDING )  
APPARATUS, INFORMATION )  
RECORDING AND REPRODUCING )  
APPARATUS AND RECORD )  
MEDIUM )

BOX RCE

Group Art Unit: 2615

Examiner: C. Onuaku

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SEP 16 2002

Technology Center 2600

**BOX RCE**

Commissioner of Patents  
Washington, D.C. 20231

**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL**

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

1. Submission required under 37 C.F.R. § 1.114

Previously submitted:

Please enter/consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on August 13, 2002. (Any unentered amendment(s) referred to above will be entered).

Please consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_.

Other \_\_\_\_\_.

Enclosed:

Amendment/Reply 09/24/2002 SMD0RE 0000007 500310 09266780

Affidavit(s)/Declaration(s)

Information Disclosure Statement with Form 1449 and 01 FC:117 520.00 CH cited references

Other \_\_\_\_\_.

09/16/2002 AWONDAF1 00000155 500310 09266780

01 FC:179 740.00 CH  
02 FC:122 130.00 CH

1-WA/1862316.1

2. Miscellaneous

Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of three (3) months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)  
 Other \_\_\_\_\_.

3. Fees Calculation

(a) RCE Fee required under 37 C.F.R. § 1.17(e)

\$740.00  
 \$370.00 (for small entity)

(b) Extension of Time

Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.  
 Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total Months <u>Requested</u>	Fee for <u>Extension</u>	[Fee for Small Entity]
[ ] one month	\$ 110.00	\$ 55.00
[ ] two months	\$ 400.00	\$200.00
[ ] three months	\$ 920.00	\$460.00
[ ] four months	\$1,440.00	\$720.00

Extension of time fee due with this request: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a Petition therefore.

[ ] An extension for \_\_\_ month(s) has already been secured and the fee paid therefore of \$\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

(c) Suspension of Action under 37 C.F.R. § 1.103(c)

A fee of \$130.00 as set out in 37 C.F.R. § 1.17(i).

**The total fee for this submission: \$870.00**

4. Fee Payment

Check in the amount of \$ \_\_\_\_\_ filing fee is enclosed.  
 The Director is hereby authorized to charge **\$870.00** (\$740.00 RCE filing fee and \$130.00 Suspension of Action fee) to our Deposit Account No. 50-0310.

5. Additional papers enclosed:

Preliminary Amendment  
 Declaration of Biological Deposit  
 Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

6. Constructive Petition

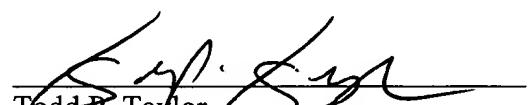
EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: September 13, 2002

By:

  
Todd P. Taylor  
Reg. No. 48,513

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